



Superintendent's Compendium
Of Designations, Closures, Permit
Requirements and Other Restrictions
Imposed Under Discretionary Authority.

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Approved:

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A. INTRODUCTION

1. Superintendent's Compendium Described

The Superintendent's Compendium is the summary of park specific rules implemented under 36 Code of Federal Regulations (36 CFR). It serves as public notice, identifies areas closed for public use, provides a list of activities requiring either a special use permit or reservation, and elaborates on public use and resource protection regulations pertaining specifically to the administration of the park. The Superintendent's Compendium does not repeat regulations found in 36 CFR and other United States Code and CFR Titles, which are enforced without further elaboration at the park level.

The regulations contained in 36 CFR, Parts 1-7, are the basic mechanism used by the National Park Service (NPS) to preserve and protect the natural and cultural resources of the park and to protect visitors and property within the park. Parts 1 through 6 are general regulations applicable to all areas of the National Park system, and Part 7 contains special regulations specific to individual parks. Each of these Parts has many sections and subsections articulating specific provisions. Within some of these Part 1-7 sections and subsections, the Superintendent is granted discretionary authority to develop local rules to be responsive to the needs of a specific park resource or activity, park plan, program, and/or special needs of the general public.

As an example, 36 CFR 1.5(a) *Closures and Public Use Limits* provides the Superintendent certain discretion in allowing or disallowing certain activities. The authority granted by the Section, however, requires the Superintendent to comply with the Administrative Procedures Act (6 USC Section 551), which requires public notice on actions with major impact on visitor use patterns, park resources or those that are highly controversial in nature.

Another example is 36 CFR 1.6 *Permits*, which allows the Superintendent to require a permit for certain uses and activities in the park. This Section, however, requires that a list of activities needing a permit (and a fee schedule for the various types of permits) be maintained by the park.

A final example is 36 CFR 2.1(c) (1) *Preservation of Natural, Cultural and Archeological Resources*, which provides the Superintendent the authority to designate certain fruits, nuts, berries or unoccupied seashells which may be gathered by hand for personal use or consumption. This activity can occur, however, only if a written determination shows that the allowed activity does not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources.

This Compendium should be used in conjunction with Title 36 CFR, Parts 1-7, to more fully

understand the regulations governing the use and enjoyment of all the areas of the National Park System.

A copy of Title 36, CFR, can be purchased from the U.S. Government Printing Office at:

Superintendent of Documents
P.O. Box 371954
Pittsburgh, PA 15250-7954

The CFR is also available on the Internet at:

http://www.access.gpo.gov/nara/cfr/waisidx_05/36cfrv1_05.html

2. Laws and Policies Allowing the Superintendent to Develop This Compendium

The National Park Service (NPS) is granted broad statutory authority under 16 United States Code (U.S.C.) Section 1 *et seq.* (Organic Act of 1916, as amended) to "...regulate the use of the Federal areas known as national parks, monuments, and reservations...by such means and measures as conform to the fundamental purposes of the said parks...which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment for future generations" (16 U.S.C. Section 1). In addition, the NPS Organic Act allows the NPS, through the Secretary of the Interior, to "make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service" (16 U.S.C. Section 3).

In 1970, Congress amended the NPS Organic Act to clarify its intentions as to the overall mission of the NPS. Through the General Authorities Act of 1970 (16 U.S.C. Sections 1a1-1a8), Congress brought all areas administered by the NPS into one National Park System and directed the NPS to manage all areas under its administration consistent with the Organic Act of 1916.

In 1978, Congress amended the General Authorities Act of 1970 and reasserted System-wide the high standard of protection defined in the original Organic Act by stating "Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined by Section 1 of this Title, shall be consistent with and founded in the purpose established by Section 1 of this Title, to the common benefit of all people of the United States."

16 U.S.C. Section 1c defines the National Park System as "...any areas of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes."

In addition to the above statutory authority, the Superintendent is guided by established NPS policy as found in the *NPS Management Policies* (2006). The Superintendent is also guided by more specific policies promulgated by the Director, National Park Service, in the form of Director's Orders. As stated in the Management Policies, the primary responsibility of the NPS is to protect and preserve our national natural and cultural resources while providing for the enjoyment of these resources by visitor and other users, as long as use does not impair specific park resources or overall visitor experience. The appropriateness of any particular visitor use or recreational experience is resource-based and will vary from park to park; therefore, a use or activity that is appropriate in one park area may not be appropriate in another. The Superintendent is directed to analyze overall park use and determine if any particular use is appropriate. Where conflict arises between use and resource protection, where the Superintendent has a reasonable basis to believe a resource is or would become

impaired, than that Superintendent is obliged to place limitations on public use.

3. Consistency of This Compendium with Applicable Federal Law and Requirements

The Superintendent's Compendium is not considered a significant rule requiring review by the Office of Management and Budget under Executive Order 12866. In addition, this Compendium will not have a significant economic effect on a number of small entities nor impose a significant cost on any local, state or tribal government or private organization, and therefore does not fall under the requirements of either the Regulatory Flexibility Act or the Unfunded Mandates Reform Act.

The actions and requirements described in this Compendium are found to be categorically excluded from further compliance with the procedural requirements of the National Environmental Policy Act (NEPA) in Department of the Interior (DOI) Guidelines 516 DM 6 and as such, an Environmental Assessment will not be prepared.

4. Development of the Requirements of the Superintendent's Compendium

As outlined above, the NPS has broad authority and responsibility to determine what types of uses and activities are appropriate in any particular National Park System area. The requirements of the Superintendent's Compendium are developed through an analysis and determination process. The decision criteria used during this process are:

- Is there use or activity consistent with the NPS Organic Act and NPS policy?
- Is the use or activity consistent and compatible with the park's enabling legislation, management objectives, and corresponding management plans?
- Will the use or activity damage the park's protected natural and cultural resources and other protected values?
- Will the use or activity disturb or be in conflict with wildlife, vegetation, and environmental protection actions and values?
- Will the use or activity conflict with or be incompatible with traditional park uses and activities?
- Will the use or activity compromise employee or public safety?

5. Applicability of the Compendium

The rules contained in this Compendium apply to all persons entering, using, visiting or otherwise present on Federally owned lands, including submerged lands, and waters administered by the NPS within the legislative boundaries of the park. This includes all waters subject to the jurisdiction of the United States, including all navigable waters.

6. Enforcement of Compendium Requirements

NPS Law Enforcement Park Rangers enforce the requirements of the United State Code, 36 CFR, and this Superintendent's Compendium.

7. Penalties for Not Adhering to the Compendium Requirements

A person who violates any provision of the regulations found in 36 CFR, Parts 1-7, or provisions of this Compendium, is subject to a fine as provided by law (18 U.S.C. 3571) up to \$5,000 for individuals and \$10,000 for organizations, or by imprisonment not exceeding six months (18 U.S.C. 3559), or both, and shall be adjudged to pay all court costs associated with any court proceedings. You may receive a list of fines associated with any particular provision by contacting the Chief Ranger at the park address found below.

8. Comments on the Compendium

The Compendium is reviewed annually and revised as necessary. The park welcomes comments about its program and activities at any time.

Written comments on the Compendium may be submitted to:

Superintendent
6424 West Farm Road 182
Republic, MO 65738

9. Effective Date of the Superintendent Compendium

The Superintendent's Compendium is effective on the approval date listed on the first page of this document, and remains in effect until revised for a period up to one year.

10. Additional Information

Some of the terms used in this Compendium may have specific meaning defined in 36 CFR 1.4 *Definitions*.

11. Availability

Copies of the Compendium are available at 6424 West Farm Road 182, Republic, MO 65738. It may also be found at www.nps.gov/wicr.

B. SUPERINTENDENT'S COMPENDIUM

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of Wilson's Creek National Battlefield. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

Written determinations, which explain the reasoning behind the Superintendent's use of discretionary authority, as required by Section 1.5(c), appear in this document identified by italicized print.

I. 36 CFR §1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USE OR ACTIVITIES

(a)(1) The following visiting hours and public use limits are established for all or for the listed portions of the park, and the following closures are established for all or a portion of the park to all public use or to a certain use or activity:

Visiting Hours:

- Visitor Center is opened from 8:00am - 5:00pm daily (except holidays listed in Closures).
- General park hours are listed below:
 - Winter Hours: 8:00am to 5:00pm (Last Sunday in October to 1st Saturday in April)
 - Spring Hours: 8:00am to 7:00pm (1st Sunday in April to last Friday in May)
 - Summer Hours: 8:00am to 9:00pm (Last Saturday in May to 1st Tuesday in September)
 - Fall Hours: 8:00am to 7:00pm (1st Tuesday in September to last Saturday in October)

Public Use Limits:

- Equestrian parking in designated areas only.
- Winter activities are prohibited at the Ray House, Bloody Hill, and the area around the Visitor Center.
- The public entry point for the park is:
 - Visitor Center gate: located on Farm Road 182.
- The use of bicycles on the park tour road is confined to the designated lane except when passing a pedestrian or another bicycle. Bicycles must travel in the same direction as motor vehicles on the Tour Road.

Closures:

- The park is closed on the following Federal holidays: Thanksgiving Day, Christmas Day, and New Year's Day.

-The park is closed in observance of the above listed holidays. Park personnel are not available on these holidays to provide for public safety, resource protection, and visitor services.

- Habitat areas of the Missouri Bladderpod (*Lesquerilla filliformis*) are closed to public access.

-The Missouri Bladderpod is a federally-listed, threatened plant species which occupies limestone glade areas of the park. This closure is necessary to protect this plant from trampling

- All caves in the park are closed to public access.

-Caves in the park are closed to protect federally endangered bat species that occupy the caves.

- Technical rock climbing and rappelling is prohibited.

-The above activities are closed to the public to protect natural resources and to protect the safety of the public

- Picnicking is prohibited in the following areas:
 - Visitor Center lawn (except for official Arts-In-The-Park programs)
 - Ray House lawn and porch
 - Cemeteries

-Picnicking at these locations is inconsistent with the memorial qualities of the battlefield.

The following restrictions and/or conditions are in effect for the specific uses or activities noted:

Food and Beverages:

-Open containers of food or drink shall not be permitted in the Ray House, library, curatorial areas, and public portions of the visitor center (except at special events in which food and beverage are part of the event).

Consumption is prohibited to protect the historic objects housed in these facilities.

II. 36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

For permit information contact:

Chief Ranger's Office
Wilson's Creek National Battlefield
6424 West Farm Road 182
Republic, MO 65738
Phone: 417-732-2662 extension 225

(f) The following is a compilation of those activities for which a permit from the superintendent is required:

- §1.5(d) The following activities related to Public Use Limits:
 - Pavilion reservations.
 - Weddings.
 - Group use of tour road.
 - Paranormal activity investigations.
- §2.4(d) Carry or possess a trap or net
- §2.5(a) Specimen collection (Take plant, fish, wildlife, rocks or minerals)
- §2.12 Audio Disturbances:
 - (a)(2) Operating a chain saw in developed areas
 - (a)(3) Operation of any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas
 - (a)(4) Operation of a public address system in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51
- §2.17 Aircraft & Air Delivery:
 - (a)(3) Delivery or retrieval of a person or object by parachute, helicopter or other airborne means
 - (c)(1) Removal of a downed aircraft
- §2.37 Soliciting or demanding gifts, money goods or services (Pursuant to the terms and conditions of a permit issued under §2.50, §2.51 or §2.52)
- §2.38 Explosives:
 - (a) Use, possess, store, transport explosives, blasting agents
 - (b) Use or possess fireworks
- §2.50(a) Conduct a sports event, pageant, regatta, public spectator attraction, entertainment, ceremony, and similar events
- §2.51(a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views
- §2.52(c) Sale or distribution of printer matter that is not solely commercial advertising

- §2.60(b) Livestock use
- §2.61(a) Residing on federal lands
- §2.62 Memorialization:
 - (a) Erection of monuments (Requires approval from Regional Director)
 - (b) Scattering ashes from human cremation
- §3.3 Use of a vessel
- §4.11(a) Exceeding of established vehicle load, weight and size limits
- §5.1 Advertisements - (Display, posting or distribution.)
- §5.2(b) Sale of intoxicants on private lands.
- §5.3 Engaging in or soliciting any business (Requires a permit, contract or other written agreement with the United States, or must be pursuant to special regulations).
- §5.5 Commercial Photography/Filming:
 - (a) Commercial filming of motion pictures or television involving the use of professional casts, settings or crews, other than bona fide newsreel or news television
 - (b) Still photography of vehicles, or other articles of commerce or models for the purpose of commercial advertising.
- §5.6(c) Use of commercial vehicles on park area roads (The superintendent shall issue a permit to access private lands within or adjacent to the park when access is otherwise not available)
- §5.7 Construction of buildings, facilities, trails, roads, boat docks, path, structure, etc.
- §6.9(a) Operation of a solid waste disposal site

III. GENERAL REGULATIONS

36 CFR §2.1 – PRESERVATION OF NATURAL, CULTURAL AND ARCHEOLOGICAL RESOURCES

(c)(1), (c)(2) The following fruits, nuts, berries or unoccupied seashells may be gathered by hand for personal use or consumption, in accordance with the noted size, quantity, collection sites and/or use or consumption restrictions:

- Mushrooms, berries, and nuts.

-Not to exceed one gallon per person per day per calendar year.

36 CFR §2.2 - WILDLIFE PROTECTION

(d) The transporting of lawfully taken wildlife through the park is permitted under the following conditions and procedures:

- Transporting lawfully taken wildlife through the park is prohibited.

(e) The following areas are closed to the viewing of wildlife with the use of an artificial light:

- All lands within the boundaries of the park.

36 CFR §2.10 – CAMPING and FOOD STORAGE

(a) The sites and areas listed below have been designated for camping activities. Conditions for camping and camping activities are in effect as noted:

- Behind the Sweeney House.
- Tour stop #5 area (as part of a living history demonstration).

(d) Conditions for the storage of food are in effect, as noted, for the following areas:

- Storage of food should be inside motor vehicle or in sealable containers.

36 CFR §2.11 – PICNICKING

Certain areas have been closed to picnicking and are listed in section 1.5(a)(1) "Closures".

36 CFR 2.13 – FIRES

(a)(1) The lighting or maintaining of fires is generally prohibited, except as provided for in the following designated areas and/or receptacles, and under the conditions noted:

Designated Areas:

- Within the provided containers in the picnic area near the Visitor Center.
- Inside the provided containers behind the Sweeney House.
- As part of a living history interpretive demonstration.

Receptacles Allowed:

- Fire rings and grills provided by the park.

Established Conditions for Fires:

- Must be extinguished upon termination of use.

(a)(2) The following restrictions are in effect for the use of stoves or lanterns:

- May only be used in conjunction with living history events.

(b) Fires must be extinguished according to the following conditions:

- Immediately upon termination of use.

36 CFR §2.14 – SANITATION and REFUSE

(b) Conditions for the disposal, containerization, or carryout of human body waste have been established as follows:

- In non-developed area human waste must be removed from near trails or other visitor use areas and covered with soil or vegetation.

36 CFR §2.15 – PETS

(a)(1) The following structures and/or areas are closed to the possession of pets:

- All buildings (unless pet is a service animal).

(a)(5) Pet excrement must be disposed of in accordance with the following conditions:

- Should be removed from trails, paved areas, and developed areas by the person responsible for the pet.

(e) Pets may be kept by park residents under the following conditions:

- Current rabies vaccination.
- Adequate shelter provided by resident.
- Pet does not interfere with the safety and well being of visitors.

36 CFR §2.16 – HORSES and PACK ANIMALS

(b) The use of horses or pack animals is allowed on the following trails, routes or areas:

- Ray Cornfield Trail, Wire Road, Southwest Boundary Trail, and Manley Uplands Trail.

(g) Other conditions concerning the use of horses or pack animals:

- The gate of horses should be at a walk or trot.
- The person responsible for the horse shall remove excrement from trailer parking areas.
- Official Certificate of Veterinary Inspection showing a negative test for Equine Infectious Anemia (Coggins Test).

36 CFR §2.21 – SMOKING

(a) The following portions of the park, or all or portions of buildings, structures or facilities are closed to smoking as noted:

- Inside all buildings within the boundaries of the park.
- The front porch of the Ray House.

36 CFR §2.23 – RECREATION FEES

(b) Recreation fees, and/or a permit, in accordance with 36 CFR part 71, are established for the following entrance fee areas, and/or for the use of the following specialized sites, facilities, equipment or services, or for participation in the following group activity, recreation events or specialized recreation uses:

Entrance Fee Areas:

The park is an entrance fee area under the Federal Lands Recreation Enhancement Act. Entrance fees are collected at the Visitor Center during normal business hours. Fees are not collected when the Visitor Center is closed to the public. Fees are suspended in the public interest on August 10 annually and on days designated by the Washington DC office of the NPS.

36 CFR §2.35 –ALCOHOLIC BEVERAGES and CONTROLLED SUBSTANCES

(a)(3)(i) The following public use areas, portions of public use areas, and/or public facilities within the park are closed to consumption of alcoholic beverages, and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal has been broken or the contents of which have been partially removed:

Ray House
Visitor Center
Library
Museum

36 CFR §2.51 – PUBLIC ASSEMBLIES,MEETINGS

(e) Two areas have been designated for public assemblies or meetings. The first are is the paved patio area located between the visitor center and library wing. The second area is the visitor center lawn bounded by the visitor center walk to the first pavement marker, to the landscaping rocks, to the visitor center walk.

36 CFR §2.52 – SALE OR DISTRIBUTION OF PRINTED MATTER

(e) Two areas have been designated for sale or distribution of public matter. The first are is the paved patio area located between the visitor center and library wing. The second area is the visitor center lawn bounded by the visitor center walk to the first pavement marker, to the landscaping rocks, to the visitor center walk.

36 CFR §3.21 – SWIMMING AND BATHING

(a)(1) The following areas are closed to swimming and bathing:

- Swimming and bathing is prohibited inside the park.

36 CFR §4.10 – TRAVEL ON PARK ROADS AND ROUTES

(a) Park roads, open for travel by motor vehicle are those indicated below, and/or as indicated in the following publication or document (attached hereto):

- The following roads are closed to the public:

- Visitor Center rear service area.
- Old waste water treatment plant.
- McElhaney House drive.

36 CFR §4.21 – SPEED LIMITS

(b) The following speed limits are established for the routes/roads indicated:

- 25 miles per hour on the tour road (excludes parking area).

-This speed limit is necessary to provide for public safety and is consistent with the purposes of which the park was established.